

Exhibit A

2. A "Police Officer" is any "sworn Officer of an authorized Police Department or force of a City, Town, Village or Police District".

2.2 **GEOGRAPHICAL AREA OF JURISDICTION**

The geographical area of employment for the Buffalo Police Department means all that area encompassed within the boundaries of the City of Buffalo.

The boundaries of the City of Buffalo shall be as specified in Article 1, Section 3 of the City Charter.

3.0 JOB CLASSIFICATIONS - SWORN MEMBERS

3.1 **DUTIES NOT ALL INCLUSIVE** The duties specified for sworn personnel in this section are not all inclusive.

3.2 **COMMISSIONER OF POLICE**

- A. The Commissioner of Police shall be the head of the Department of Police (Article 12 section 220 of the City Charter).
- B. The Commissioner of Police shall be appointed by the Mayor, subject to confirmation by the Council, and shall be removable at the pleasure of the Mayor. On the removal without cause of a Commissioner of Police, who at the time of his/her appointment as Commissioner of Police was a member of the Department of Police, (s)he shall be restored at his/her request to the rank and duty which (s)he held at the time of his/her appointment. In the event of the death of the Commissioner of Police, or a vacancy in that office for any other cause whatsoever, the Mayor shall appoint a Commissioner of Police to serve for a period not to exceed six months, which temporary appointment shall not be subject to confirmation by the Council (Article 12 Section 221 of the City Charter).
- C. The Commissioner of Police shall be charged with the power and duty of governing and disciplining the Department and the members of the Police Force and all subordinates and employees of the Department, and to that end may, from time to time, make and enforce orders, rules, regulations not inconsistent with the City Charter or any general law, which orders, rule or regulations shall have the same force and effect as if specially enacted in the City Charter. Existing rules and regulations shall continue until changed (Article 12 Section 224 of the City Charter).

3.3 **DEPUTY POLICE COMMISSIONER**

There shall be two Deputy Commissioners of Police in the exempt class of the civil service, with power to act generally for and in place of the Commissioner of Police, who shall be appointed and removed at the pleasure of the Commissioner and shall perform such other and additional duties as may, from time to time, be assigned to them by the Commissioner. On removal of a Deputy Commissioner of Police, who at the time of his/her appointment as a Deputy Commissioner of Police, was a member of the Department of Police, (s)he shall, before such removal becomes effective, be restored at his/her request to the rank and duty which was held at the time of his/her appointment. (City Charter Article 12 section 222).

6.0 POLICE COMMISSIONER

6.1 POLICE COMMISSIONER'S OFFICE

A. The Police Commissioner is the head of the Police Department and as such has ultimate authority and responsibility for all facets of Department operations. The following shall all report directly to the Police Commissioner:

1. The Deputy Police Commissioners
2. The Internal Affairs Division
3. The Public Safety Communications Director
4. Video Surveillance Room
5. Citizen's Advisory Committee
6. Legal Advisor

7.0 ADMINISTRATIVE

7.1 FIRST DEPUTY POLICE COMMISSIONER

The First Deputy Commissioner shall be in charge of the administrative functions for the Buffalo Police Department.

7.2 CHIEF OF DETECTIVES (refer to MOP Chapter 17)

The Chief of Detectives shall be responsible for the operation of the Detective Bureau and reports directly to the Deputy Commissioner of Operations.

7.3 DIVISION OF ADMINISTRATION AND COMMUNICATIONS

The Division of Administration and Communications is headed by a Police Inspector, who reports to the 1st Deputy Police Commissioner, and has general responsibility for the fiscal operations including the budget, liaison with courts; for maintaining required records; for computer operations; for dispatch; for Communications; for planning; responsible for updating the Manual of Procedures and for special projects.

8.0 PATROL SERVICES

8.1 DEPUTY COMMISSIONER OF OPERATIONS

The Deputy Police Commissioner shall be in charge of operations for the Buffalo Police Department.

8.2 PATROL DISTRICTS

For organizational purposes the City is geographically divided into five patrol districts. Each district is an organizational unit commanded by a District Chief. District personnel are distributed over several different work shifts with each shift being supervised by an on duty Lieutenant. Patrol District personnel are primarily responsible for providing patrol services within their respective Districts. District

Detectives and Detective Sergeants are responsible for conducting the follow-up investigation of certain crimes, serving subpoenas and arrest warrants, and conducting investigations as required by their commanding officers, within the Patrol District. The boundaries of each Patrol District change over time as the needs of the Department change. District Chiefs are responsible to inform their subordinates of current boundaries

drowning victim rescue, stolen cars, evidence collection and underwater and surface related police protection. Refer to M.O.P. Chapter 11.

8.5 **HOUSING UNIT (BPD HU)**

The Housing Unit (BPD HU) will be housed at the former BMHA Police Station located in the Perry Complex and shall be under the command of the Deputy Commissioner of Operations. The unit will be responsible for all policing and security issues in the BMHA Housing Complexes located throughout the City and will work closely with the BMHA Staff, Council, outside agencies, as well as other units in the BPD to maintain strict enforcement of the Mayor's zero tolerance crime policy. Officers assigned to the Housing Unit would be assigned to work in a combination of one and two Officer levels.

8.6 **STRIKE FORCE TASK FORCE**

The purpose of the Strike Force Task Force is to target and eliminate high crime areas throughout the city. The unit is housed at the Traffic station house and will work jointly with the ECSD and the NYSP. This force is under the command of the Chief of Schools and will target violent crime areas as well as other crime hotspots throughout the City.

9.0 LEGAL AFFAIRS

The Legal Affairs component of the Department is headed by the 1st Deputy Police Commissioner and has general responsibility for legal matters involving the Department.

9.1 **LEGAL ADVISOR**

The Legal Advisor maintains a police related Federal and State Court civil litigation caseload and responds to Article 78 petitions and Freedom of Information appeals. (S)he acts as a liaison with the Corporation Counsel assisting with informational needs, document production and Buffalo Police Department interviews. The legal Advisor drafts and reviews grant and personal services, contracts, policy and procedure statements, and police related pending legislation.

10.0 DIRECTION

10.1 **DIRECTION DEFINED**

For purposes of this section direction means the continuous process of making decisions and then relating those decisions to members of the Department through oral and written orders, general orders, special orders, and training bulletins.

10.2 **COMMISSIONER'S RESPONSIBILITY TO DIRECT THE DEPARTMENT**

Refer to M.O.P. Chapter 1.

10.3 **SUCCESSION OF COMMAND**

A. In those instances in which the Police Commissioner is unavailable or incapacitated, the First Deputy Police Commissioner shall be in command of the Department. If for any reason the First Deputy Commissioner is unable to assume command, the Deputy Commissioner shall be in command.

B. The District Chiefs shall be responsible for all police operations within their

confusion on the part of the recipient is kept to an absolute minimum.

- B. The written order shall specify the date and time that the order is to go into effect and the person who is issuing the order.
- C. Written orders issued at any level shall not conflict with existing policies and procedures unless prior approval is made by a member of the chain of command who has clear authority to make such change. For example, Department wide policies and procedures can only be changed by the Commissioner; District/Division wide policies can only be changed only by the District/Division Chief or his/her superior; Squad wide policies can be changed only by the commanding officer of that squad or his/her superior officers, etc.
- D. Written orders that supersede prior orders shall so note.
- E. Written orders shall be reviewed at least annually to determine whether they should be retained, revised, or canceled.

11.3 GENERAL ORDERS

A General Order is a written order issued by the Commissioner outlining policy on matters which affect the entire Department. A General Order is the most authoritative directive issued by the Department and may be used to amend, supersede, or cancel any other rule, regulation, or order. General orders are permanent Department policy and remain in full force and effect until amended, superseded, or canceled by the Commissioner. General Orders shall be numbered so that the first two digits indicate the year in which they were issued and are followed by the number of the General Order issued in that year so that they are numbered consecutively. The Division of Administration and Communication shall be responsible for numbering and transmitting General Orders.

11.4 SPECIAL ORDERS

- A. Special Orders shall be used for establishing procedures for specific events or temporary circumstances, and for announcing personnel related matters.
 - 1. Major events involving personnel from various units of the Department working in concert, or events involving elaborate logistical operations, shall be the subject of a special order. The special order shall designate the number of members involved in the operation, the unit from which they are assigned, the date, time and place of duty, the specific procedures for the special event and the duties and responsibilities of the employees assigned.
 - 2. Personnel matters involving hiring, assignments, transfers, promotions, demotions, suspensions, retirements, terminations, resignations, pleas of guilty to disciplinary charges, the sustaining of disciplinary charges after a hearing, and any other personnel related matter shall be the subject of a special order.
- B. A Special Order may only be issued with approval of the Commissioner or a Deputy

2.2 I.A.D. TO REPORT DIRECTLY TO COMMISSIONER

Because of the sensitivity and potential impact of investigations involving the internal affairs of the Department, the commanding officer of IAD shall report directly to the Commissioner.

The commanding officer of IAD shall keep the Commissioner informed of the nature and progress of all on going investigations.

The commanding officer of IAD shall immediately notify the Commissioner of:

1. any credible allegation of a Department employee's commission of a crime, or any offense involving moral turpitude;
2. any incident allegedly involving misconduct by a Department employee which is likely to generate substantial public attention.

Based on the investigation of the internal affairs incident and the recommendation of IAD, the Commissioner shall determine the appropriate disposition of each such incident.

2.3 COOPERATION WITH LABOR RELATIONS DIVISION

In cases involving discrimination in the workplace based on race, color, religion, sex or national origin, or cases involving sexual harassment, or disciplinary cases in which Departmental charges are preferred, IAD shall keep the Division of Labor Relations informed and shall extend to that Division their fullest cooperation.

2.4 I.A.D. INVESTIGATIONS

IAD shall coordinate the investigation of disciplinary infractions. They may designate the offending employee's command to conduct the investigation of minor violations. The employee's command will report the results of the investigation to IAD and recommend appropriate remedial measures.

All major violations shall be investigated by IAD. Investigations that are particularly complex or that involve allegations of discrimination based on race, color, religion, sex or national origin, or that involve allegations of sexual harassment, shall be investigated by IAD.

Subject to review by the Commissioner, the Commanding Officer of IAD shall have the authority to determine which departmental unit is to conduct employee investigations.

2.5 CIVIL LAW SUITS AND CLAIMS

Refer M.O.P. Chapter 6.

If a subordinate employee becomes aware that a superior officer has violated department standards of conduct, the subordinate shall notify IAD either in writing or in person. This does not permit subordinate employees to initiate complaints that they know are capricious, unjustifiable and without any basis in fact.

If a citizen attempts to lodge a complaint against a superior officer:

1. The Superior Officer who is the subject of the complaint shall refer the complaint to an on-duty Supervisor of a higher rank than (s)he assigned to that command; or
2. If no Supervisor of a higher rank assigned to that command is on duty, the Duty Officer or Captain assigned as the Duty Officer should investigate the complaint; or
3. If there is no Duty Officer or Captain assigned as the Duty Officer on Duty, the complainant shall be referred to IAD.

3.7 DETERMINING WHICH COMMAND IS TO INVESTIGATE THE COMPLAINT

Upon receipt of a Citizen Complaint Form or a Department memorandum detailing allegations of substandard conduct, IAD will review the documents and determine which would be the best unit to handle the investigation. If accusations of a serious nature are alleged, IAD will investigate the case. The employee's command may be designated to investigate complaints that are minor in nature. The Commanding Officer of IAD, subject to the review of the Commissioner, shall determine which unit handles the investigation.

3.8 CONDUCTING THE INVESTIGATION

- A. When an employee investigation is assigned to the employee's command, the Chief or superior in charge of that command will be responsible for its completion. The Chief or superior in charge may delegate authority to lesser ranking superior officers of his/her command to pursue the investigation however, the ultimate responsibility for its completion rests with the Chief or superior in charge.
- B. All investigations targeting sworn members of the department must be conducted in conformance with the Police Officer's Bill of Rights. Investigations shall also be conducted as determined by the IAD Office Investigation Manual.
- C. All evidence must be thoroughly evaluated and witnesses must be carefully interviewed. Statements of witnesses shall be taken in appropriate cases.

5.0 CHARGES AND HEARINGS

5.1 POLICY

When disciplinary charges are to be lodged against a Department employee, it is the policy of the Buffalo Police Department to prepare and serve the charges on the accused employee and to present evidence concerning the charges before the hearing officer designated to try the case.

5.2 PREPARING THE CHARGES

Commissioner's Determination

If after a thorough and complete employee investigation, the conclusion of fact results in a finding of "sustained," the Commissioner may direct, in his/her sole discretion, that Departmental charges be preferred against the accused employee. If the Commissioner determines that departmental charges are not to be preferred, (s)he shall direct that appropriate action be taken to insure that the employee's conduct is corrected and that the likelihood of recurrence is minimized. Any action directed by the Commissioner shall be consistent with the terms of the applicable collective bargaining agreement.

Charges and Specifications Defined

1. The charge is the designation of the specific standard of conduct which the accused is charged with violating.
2. The specification is a statement of facts which in law constitute the offense charged. Specifications should be drawn in clear and concise language and should contain the following information:
 - a. rank, name and command of the accused;
 - b. date, time and place of the alleged offense, (approximate entries will be acceptable);
 - c. if the offense was committed more than once, or in more than one way, there shall be distinct specifications;
 - d. each specification shall be complete in itself and not refer to facts or particulars of other specifications;
 - e. specifications under each charge shall be numbered consecutively.

5.3 SERVING THE CHARGES

IAD shall prepare a "Notice of Charges" which shall be attached to the charges.

IAD shall issue or cause to be issued to the accused employee, a copy of the charges and "Notice of Charges."

If the charges are issued in person to the accused employee, the employee shall acknowledge receiving the charges by signing his/her name and the date thereon.